



HUMAN RIGHTS COMMISSION

CHARGE NO.: 2000 CP0769
EEOC NO.:
ALS NO.: 11346

This matter comes before the Commission on Respondent’s Motion to Dismiss (“Motion”), filed on April 2, 2001. Complainant did not file a response to the Motion. No reply was required from Respondent. There is no further activity in this case reflected in the record. It is now ready for disposition.

The complaint in this case was filed on Complainant's behalf by the Illinois Department of Human Rights on August 14, 2000 and Respondent's verified answer was filed on September 13, 2000. A scheduling order was entered on October 17, 2000 that called for a final status hearing on March 21, 2001. Complainant did not appear on October 17, 2000 or, later, on March 21, 2001. Complainant did not initiate discovery with Respondent and did not otherwise engage Respondent in the discovery process. Accordingly, Respondent was given leave to file a motion to dismiss based on Complainant's lack of interest in pursuing this matter before the Commission.

1. Respondent, represented by counsel, was properly served with notice of this matter and timely filed its verified answer.

2. Although duly served with notice of the filing of her complaint at her last known address, Complainant has not filed an appearance or otherwise participated in the prosecution of this matter, nor has she filed any notice advising the Commission that her address has changed from that provided in her charge.

3. Complainant failed to appear at the initial status hearing held for this case on October 17, 2000 or for the final status hearing held on March 21, 2001. She also did not engage in the discovery process and did not respond to Respondent's Motion to Dismiss, which was duly served upon her.

Conclusions of Law

1. Complainant is an "aggrieved party" and Respondent is an "employer" as those terms are defined by the Illinois Human Rights Act, 775 ILCS 5/1-103(B) and 5/2-101(B) respectively.

2. The Commission has jurisdiction over the parties and the subject matter of this action.

3. The Commission is authorized to dismiss complaints with prejudice due to "the failure of a party to prosecute his or her case" Illinois Human Rights Act, 775 ILCS 5/8A-102(I)(6).

4. Because Complainant has failed to take any action with regard to this case, there has been a failure "to prosecute his or her case" on the part of Complainant, thereby requiring dismissal of the complaint with prejudice.

Discussion

It is a fundamental principle governing practice before this Commission that it is the singular responsibility of complainants to diligently pursue the disposition of the cases once they are docketed with the Commission. In this case, Complainant has not participated in the

prosecution of it in any fashion. Because of the passage of time with no effective action on the part of Complainant, it is recommended that this case now be dismissed because of the failure of Complainant to prosecute her case.

Recommendation

It is recommended that Respondent's Motion be granted and this case be dismissed with prejudice pursuant to the authority granted to the Commission in the Illinois Human Rights Act at 775 ILCS 5/8A-102(D)(6).

HUMAN RIGHTS COMMISSION

ENTERED:

February 14, 2002

BY: _____

DAVID J. BRENT
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION